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Attorneys for Defendant  
ABBOTT LABORATORIES

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**OAKLAND DIVISION**

MEIJER, INC. & MEIJER DISTRIBUTION,  
INC., on behalf of themselves and all others  
similarly situated,

Plaintiffs,

vs.

ABBOTT LABORATORIES,

Defendant.

[caption continues next page]

**Case No. C 07-5985 CW**

*Related by Order to:*

*Case No. C 04-1511 CW*

**STIPULATED BRIEFING SCHEDULE  
AND [PROPOSED] ORDER FOR  
DEFENDANT'S MOTION TO COMPEL  
DISCOVERY**

The Honorable Judge Wilken

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1 ROCHESTER DRUG CO-OPERATIVE, INC., )  
on behalf of itself and all others similarly )  
2 situated, )

3 Plaintiffs, )

4 vs. )

5 ABBOTT LABORATORIES, )

6 Defendant. )

**Case No. C 07-6010 CW**

*Related by Order to:*

*Case No. C 04-1511 CW*

**STIPULATED BRIEFING SCHEDULE  
AND [PROPOSED] ORDER FOR  
DEFENDANT'S MOTION TO COMPEL  
DISCOVERY**

The Honorable Judge Wilken

9 LOUISIANA WHOLESALE DRUG )  
10 COMPANY, INC., on behalf of itself and all )  
others similarly situated, )

11 Plaintiffs, )

12 vs. )

13 ABBOTT LABORATORIES, )

14 Defendant. )

**Case No. C 07-6118 CW**

*Related by Order to:*

*Case No. C 04-1511 CW*

**STIPULATED BRIEFING SCHEDULE  
AND [PROPOSED] ORDER FOR  
DEFENDANT'S MOTION TO COMPEL  
DISCOVERY**

The Honorable Judge Wilken

16 WHEREAS Meijer, Inc., Meijer Distribution, Inc., Rochester Drug Co-operative, Inc., and  
17 Louisiana Wholesale Drug Company, Inc. ("Plaintiffs") filed a Motion for Class Certification,  
18 Docket No. 62, with this Court on May 5, 2008;

19 WHEREAS under the current briefing schedule Abbott Laboratories ("Abbott") is required  
20 to file an opposition brief to the Motion for Class Certification on June 16, 2008, in which Abbott  
21 will argue, among other things, that a fundamental conflict exists within the putative class of direct  
22 purchasers of Norvir and/or Kaletra such that class certification should be denied under Rule 23(a);

23 WHEREAS the parties disagree about whether Abbott is entitled to "downstream"  
24 discovery—*i.e.*, discovery regarding prices charged by direct purchasers to their customers for the  
25 pharmaceutical products at issue—to support its contention that a fundamental conflict exists among  
26 the putative class members;

27 WHEREAS the Plaintiffs deny that any conflict exists between the named class members and  
28 some unidentified absent class members, let alone a "fundamental conflict," and further deny that the

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discovery sought by Abbott could in any way bear on such unexplained conflict;

WHEREAS the parties have met and conferred on several occasions in an unsuccessful effort to resolve this disagreement;

WHEREAS on Monday, May 12, 2008, Abbott will move this Court for an order compelling Plaintiffs to comply with its requests to produce certain “downstream” discovery in time for Abbott’s response to the Motion for Class Certification;

WHEREAS Plaintiffs dispute that Abbott needs this discovery to respond to Plaintiffs’ Motion for Class Certification, but are nevertheless agreeing to this schedule;

WHEREFORE IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for Plaintiffs and for Abbott that the parties will abide by the following briefing schedule:

1. Abbott’s motion to compel production of documents and an interrogatory response will be filed on May 12, 2008;
2. Plaintiff’s opposition to Abbott’s Motion to Compel will be filed by May 23, 2008;
3. Abbott’s reply will be filed by May 30, 2008;

The parties respectfully request a telephonic hearing on the Motion to Compel on June 5, 2008, at 2 p.m., or at a date and time of the Court’s earliest convenience following the completion of briefing on the Motion.

Dated: May 12, 2008

Respectfully submitted,

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*Counsel for Plaintiff Louisiana  
Wholesale Drug Co., Inc.*

*Counsel for Plaintiffs Meijer, Inc. and  
Meijer Distribution, Inc.*

**PURSUANT TO THE FOREGOING STIPULATION, IT IS SO ORDERED**

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
The Honorable Claudia Wilken  
United States District Court  
Northern District of California

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**GENERAL ORDER 45 ATTESTATION**

I, Charles B. Klein, am the ECF User whose ID and password was used to file this Stipulated Briefing Schedule and [Proposed] Order for Defendant's Motion to Compel Discovery. In compliance with General Order 45, X.B., I hereby attest that Daniel Simons, Eric Cramer, John Radice, Andrew Aubertine, David Raphael, and David Germaine, counsel for Plaintiffs, concurred in this filing.

Dated: May 12, 2008

By: /s/ Charles B. Klein  
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